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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,200	02/07/2002	Jesus Fernandez-Grandizo Martinez	KOB-9	3519

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EXAMINER	
NGUYEN, HANH N	

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/072,200	FERNANDEZ-GRANDIZO MARTINEZ, JESUS	
	Examiner	Art Unit	
	Nguyen N. Hanh	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,34-39,41,42 and 44-67* is/are pending in the application.

4a) Of the above claim(s) *27-33 and 57-67* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,34-39,41,42 and 44-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 44 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Sauerwein et al.

Regarding claim 1, Sauerwein et al. disclose a motor mounting platform for use in an appliance comprising: the motor mounting platform (3 in Fig. 2 and 3) constructed of a first material (Col. 3, lines 46-50) and at least two brush holders (10) constructed of a second material (Col. 3, line 47) being engaged to the platform (Figs. 1 and 2); and at least one motor support (the portion surrounds and support bearing as shown in Fig. 1) mounted to the motor mounting platform; wherein the motor mounting platform is not in contact with any current carrying component by an electrically conductive component when the motor is attached to the at least one motor support (Fig. 4)

Regarding claim 2, Sauerwein et al. also disclose a motor mounting platform wherein the second material (plastic) is electrically non-conductive.

Regarding claim 3, Sauerwein et al. also disclose a motor mounting platform wherein the first material has a lower thermal classification than the second material (because plastic has a higher thermal classification than metal).

Regarding claim 44, Sauerwein et al. also disclose a motor mounting platform further comprising at least two pair of brush holder guides (surfaces formed by opening 20 as shown in Fig. 2) mounted directly to the motor mounting platform in which each pair receivably engages one of the brush holders and is adapted to permit the brush holder to be removed from the motor mounting platform.

Regarding claim 56, Sauerwein et al. also disclose a motor mounting platform wherein a wire guide (21 in Fig. 4) is connected to the motor mounting platform.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 34-39, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al. in view of Kasper et al.

Regarding claim 34, Sauerwein et al. show all limitations of the claimed invention except showing a motor mounting platform wherein the platform has a first side and a second side in which the second side includes a cavity surrounded by a wall.

However, Kasper et al. disclose a motor mounting platform (22 in Fig. 1) wherein the platform has a first side and a second side in which the second side includes a cavity surrounded by a wall for the purpose of forming a vacuum cleaner.

Since Sauerwein et al. and Kasper et al. are in the same field of endeavor, the purpose disclosed by Kasper et al. would have been recognized in the pertinent art of Sauerwein et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Sauerwein et al. by forming the platform has a first side and a second side in which the second side includes a cavity surrounded by a wall as taught by Kasper et al. for the purpose of forming a vacuum cleaner.

Regarding claim 35, Kasper et al. also disclose a motor mounting platform wherein at least one motor support is mounted on the first side.

Regarding claim 36, Kasper et al. also disclose a motor mounting platform wherein the brush holder is mounted on the first side

Regarding claim 37, Sauerwein et al. Kasper et al. also disclose the claimed invention except for showing the cavity has an involute shape. It would have been an obvious matter of design choice to form the cavity with an involute shape, since such modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 38, Kasper et al. also disclose a motor mounting platform wherein an exhaust outlet (chamber 74 in Fig. 1) extends from the mounting platform.

Regarding claim 39, Kasper et al. also disclose a motor mounting platform wherein the exhaust outlet is integrally molded with the motor mounting platform.

Regarding claim 41, Kasper et al. also disclose a motor mounting platform wherein the motor support includes a first post and a second post (Fig. 1).

Regarding claim 42, Kasper et al. also disclose a motor mounting platform wherein the first and second post are mounted on opposing sides of a hole defined in and extending through the motor mounting platform (Fig. 1).

3. Claims 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al. in view of Morimoto et al (U.S Patent No. 6,005,323).

Regarding claim 45, Sauerwein et al. show all limitations of the claimed invention except showing a motor mounting platform wherein each pair of brush holder guides comprises a pair of inverted L-shaped guides, each L-shaped guide opposing the other.

However, Morimoto et al. disclose a brush card (5 in Fig. 2) wherein the each pair of brush holder guides comprises a pair of inverted L-shaped guides (10 in Fig. 6), each L-shaped guide opposing the other for the purpose of guiding the brush holder.

Since Sauerwein et al. and Morimoto et al. are in the same field of endeavor, the purpose disclosed by Morimoto et al. would have been recognized in the pertinent art of Sauerwein et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Sauerwein et al. by forming the platform wherein each pair of brush holder guides comprises pair of inverted L-shaped guides, each L-shaped guide opposing the other as taught by Morimoto et al. for the purpose of guiding the brush holder.

4. Claims 46 is rejected under 35 U.S.C.103(a) as being unpatentable over Sauerwein et al. in view of Morimoto et al (U.S Patent No. 6,246,145).

Regarding claim 46, Sauerwein et al. show all limitations of the claimed invention except showing a motor mounting platform wherein a stop bar is mounted to the motor mounting platform between each pair of brush holder guides and proximate a hole which extends through the platform.

However, Morimoto et al. disclose a brush card wherein a stop bar (21 in Fig. 3) is mounted to the brush card between each pair of brush holder guides and proximate a hole which extends through the brush card for the purpose of preventing the brush holder from moving inward.

Since Sauerwein et al. and Morimoto et al. are in the same field of endeavor, the purpose disclosed by Morimoto et al. would have been recognized in the pertinent art of Sauerwein et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Sauerwein et al. by forming the platform wherein a stop bar is mounted to the motor mounting platform between each pair of brush holder guides and proximate a hole which extends through the platform as taught by Morimoto et al. for the purpose of preventing the brush holder from moving inward.

5. Claims 47, 48, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al. in view of Yamaguchi et al.

Regarding claim 47, Sauerwein et al. show all limitations of the claimed invention except showing a motor mounting platform wherein the brush holder has a top side

including a first slot in communication with the opening and a second slot in communication with the opening and positioned perpendicular to the first slot.

However, Yamaguchi et al. disclose a brush card wherein the brush holder has a top side including a first slot in communication with the opening and a second slot in communication with the opening and positioned perpendicular to the first slot (Fig. 5); a bottom side opposite the top side for the purpose of simplifying a brush insert work.

Since Sauerwein et al. and Yamaguchi et al. are in the same field of endeavor, the purpose disclosed by Yamaguchi et al. would have been recognized in the pertinent art of Sauerwein et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Sauerwein et al. by forming the platform wherein the brush holder has a top side including a first slot in communication with the opening and a second slot in communication with the opening and positioned perpendicular to the first slot as taught by Yamaguchi et al. for the purpose of simplifying a brush insert work.

Regarding claim 48, Sauerwein et al. also show the motor mounting platform wherein: the first side and the second side of the brush holder are a first length; the first end and the second end of the brush holder are a second length; and the first length is longer than the second length (Fig. 2).

Regarding claim 54, Sauerwein et al. also show a motor mounting platform wherein the at least one motor support (the portion to receive the bearing in Fig. 1) and

the brush holder guides (surfaces formed by opening 20) are integrally molded with the mounting platform.

Regarding claim 55, Sauerwein et al. also show the motor mounting platform wherein the at least one motor support contacts at least one brush holder guide (in the region of screw 4 as shown in Figs. 1 and 2).

6. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al. in view of Yamaguchi et al. and further in view of Morimoto et al (US Patent No. 6,005,323).

Regarding claim 49, Sauerwein et al. and Yamaguchi et al. show all limitations of the claimed invention except showing a motor mounting platform wherein: the top side of the brush holder has a first width; the bottom side or the brush holder has a second width; and the second width is greater than the first width.

However, Morimoto et al. disclose a brush card wherein the top side of the brush holder has a first width; the bottom side or the brush holder has a second width; and the second width is greater than the first width for the purpose of fixing the brush holder surely on the brush card (Fig. 2).

Since Sauerwein et al., Yamaguchi et al. and Morimoto et al. are in the same field of endeavor, the purpose disclosed by Morimoto et al. would have been recognized in the pertinent art of Sauerwein et al. and Yamaguchi et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Sauerwein et al. and Yamaguchi et el. by forming the platform wherein the top side of the brush holder has a first width; the

bottom side or the brush holder has a second width; and the second width is greater than the first width as taught by Morimoto et al. for the purpose of fixing the brush holder surely on the mounting platform.

Regarding claim 50, Morimoto et al. also show the brush card wherein the first and second sides of the brush holder each have a bottom edge adapted to be positioned within a pair of brush holder guides (10 in Fig. 2 and 6).

Regarding claim 51, Prior Art of Morimoto et al. also show the brush card wherein the bottom side includes a notch (20) capable of engaging a stop bar (Fig. 7).

7. Claims 52 and 53 are rejected under 35 U.S.C.103(a) as being unpatentable over Sauerwein et al. in view of Yamaguchi et al. and further in view of Ogino.

Regarding claim 52, Sauerwein et al. and Yamaguchi et al. show all limitations of the claimed invention except showing a motor mounting platform with a brush holder wherein a wire attached to the second end of the commutating brush; a spring contacting the second end of the commutating brush and encircling the wire; and a lead located in the second end of the brush holder, the lead contacting the wire and the spring.

However, Ogino discloses a brush assembly wherein a wire (43 in Fig. 1A) attached to the second end of the commutating brush (42); a spring contacting the second end of the commutating brush and encircling the wire; and a lead (44) located in the second end of the brush holder, the lead contacting the wire and the spring for the purpose of forming a brush assembly.

Since Sauerwein et al., Yamaguchi et al. and Ogino are in the same field of endeavor, the purpose disclosed by Ogino would have been recognized in the pertinent art of Sauerwein et al. and Yamaguchi et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Sauerwein et al. and Yamaguchi et el. by using a wire attached to the second end of the commutating brush; a spring contacting the second end of the commutating brush and encircling the wire; and a lead located in the second end of the brush holder, the lead contacting the wire and the spring as taught by Ogino for the purpose of forming a brush assembly.

Regarding claim 53, Ogino also shows the commutating brush is constructed of carbon.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Darren Schuberg, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

April 11, 2005

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